REMARKS

Summary

This Amendment is responsive to the Office Action mailed on April 6, 2004. Claims 1-33 are now pending in the application.

The Examiner is thanked for the indication of allowable subject matter of claims 13, 19 and 23-26. Claims 1, 14, and 27 have been amended. New claim 28 has been added including the allowable subject matter of dependent claim 13 and the limitations of the base claim 1 and intervening claims 11 and 12. New claim 29 has been added including the allowable subject matter of dependent claim 19 and the limitations of the base claim 1 and intervening claims 14 and 18. New claim 30 has been added including the allowable subject matter of dependent claim 23 and the limitations of the base claim 1 and intervening claims 14 and 18. New claim 31 has been added including the allowable subject matter of dependent claim 24 and the limitations of the base claim 1 and intervening claims 14 and 18. New dependent claims 32 and 33 have been added including the allowable subject matter of claims 25 and 26 respectively and being dependent on allowable claim 31. Therefore, new claims 28-33 are believed to be in immediate condition for allowance.

Claims 1-4, and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Peterson et al. (U.S. 5,986,712). Claims 5-10 and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. (U.S. 5,986,712) in view of Tabatabai et al. (U.S. 5,686,964). Claims 11-12, 18, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Peterson et al. (U.S. 5,986,712) in view of Ozkan (U.S. 5,838,686).

Applicants respectfully traverse these rejections in view of the foregoing amendments and the following comments.

Discussion of the Prior Art

35 U.S.C. § 102(e) Rejection

The Peterson et al. reference does not disclose each and every claimed element as claimed by Applicants.

An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein.

The Peterson et al. reference discloses at column 5, lines 24-67 and column 6, lines 1-9, a discussion of the hybrid global/local stripe rate control method 300. In the hybrid global/local stripe rate control method 300, a general discussion of allocating and adjusting the number of bits to avoid over-flow or under-flow of the video buffer verifier (VBV) is presented. However, the Peterson et al. reference is silent with respect to (i) any of the steps of maintaining a budget of a number of processing cycles that are available at a transcoders processor to process video data, (ii) maintaining an estimate of the number of processing cycles required by the processor to process the video data, (iii) providing the video data to the processor, wherein the processor operates in a plurality of transcoding modes, and (iv) selecting one of the transcoding modes for processing each video frame according to a relationship between a number of budgeted processing cycles and an estimated number of required processing cycles, as claimed, in part, in claim 1 and in part, in claim 27. The Peterson et al. reference relates to management of the quantity (bits) of video data processed with encoders. The Peterson et al. reference does not contemplate the processing cycles for a transcoder processor or a method for processing the video data based on the number of processing

cycles required by the transcoder to process the video data. Moreover, no temporal management of the video data, based on processing cycles of a transcoder, is contemplated by the Peterson et al. reference.

Therefore, the Peterson et al. reference fails to disclose each and every element as claimed.

Since each and every element of Applicants' claims is not disclosed, the Peterson et al. reference does not anticipate the claimed invention. In view of the above, Applicants respectfully submit that the claimed invention is not anticipated by and would not have been obvious to one skilled in the art in view of Peterson et al., or any of the other references of record, taken alone or in combination. Moreover, since claim 1 is not anticipated, this claim and each of claims 2-26 dependent thereon are believed to be allowable.

Withdrawal of the anticipation rejection under 35 U.S.C. § 102(b) is respectfully requested.

35 U.S.C. § 103(a) Rejection

The combination of the Peterson et al. reference with the Tabatabai et al. reference (or any of the other cited references) does not disclose or suggest each and every element as claimed by Applicants.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

Applicants respectfully submit that combination of the Peterson et al. reference with the Tabatabai et al. reference does not teach or suggest each and every element of the claimed

invention as set forth in the amended independent claim 1 or amended independent claim 27.

The Examiner has noted in paragraph 4 of the Office Action, that the Peterson et al. reference differs from claims 5 and 14-17 in that requantization, full transcoding and bypass modes are claimed, and not disclosed in the reference. The Tabatabai et al. reference fails to remedy the defects of the Peterson et al. reference.

Tabatabai et al. merely discloses a bit rate control mechanism for video data compression that either estimates the number of bits required to represent a digital image or video at a particular quality in a compressed form or estimates the quality achievable for digital image or video when compressed to a given number of bits. The Examiner has relied on Figure 3 of the Tabatabai et al. reference to remedy the defects of the Peterson et al. reference. Figure 3 is a simplified block diagram of an MPEG encoder used to control the quantity of data through compression. In contrast, the claimed invention relates to a transcoder processor that operates in a plurality of transcoder modes including a full transcoding mode, a requantization mode, and a bypass mode, as claimed, in part, in claims 1 and 27. Thus, the Tabatabai et al. reference does not alone, or in combination with Peterson et al. teach or suggest the claimed invention.

Additionally, the combination of the Ozkan reference does not remedy the defects of the Peterson et al. reference. The Ozkan reference merely teaches a system for dynamically allocating a scarce resource among several competing users in response to indications of need from the users. The Ozkan reference is silent with respect to a transcoder processor to process video data. Since either the combination of the Tabatabai et al. reference with the Peterson et al. reference or the combination of the Ozkan reference with the Peterson et al.

reference failS to teach or suggest each and every claimed element, there is no *prima facie* case of obviousness.

If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

In view of the above, Applicants respectfully submit that the claimed invention would not have been obvious to one skilled in the art in view of the combination of Peterson et al. and Tabatabai et al., or any of the other references of record, taken alone or in combination. Moreover, since independent claim 1 is non-obvious, claims 2-3,and 5-23 dependent thereon are believed to be allowable.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the above discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) is therefore respectfully requested.

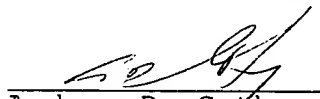
References

The References made of record do not render the present application anticipated or obvious.

Conclusion

In view of the above, the Examiner is respectfully requested to reconsider this application, allow each of the presently pending claims, and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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